

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHIGAN ASS'N OF PUBLIC SCHOOL ACADEMIES, et al.)	
)	
)	Civil Action No. 1:22-cv-00712
Plaintiffs)	
)	Hon. Paul L. Maloney
v.)	U.S. District Court Judge
)	
U.S. DEPARTMENT OF EDUCATION, et al.)	Hon. Sally J. Berens
)	U.S. Magistrate Judge
Defendants)	

**DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION**

Defendants U.S. Department of Education; Miguel Cardona, Secretary of Education; and Ruth E. Ryder, Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education, move the Court to dismiss this action for lack of subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure, for the reasons explained in the attached supporting brief.

Date: November 16, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ JAMES C. LUH

JAMES C. LUH
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L St NW
Washington DC 20530
Tel: (202) 514-4938
E-mail: James.Luh@usdoj.gov
Attorneys for Defendants